

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MAYA ZABAR,

Plaintiff,

-against-

NEW YORK CITY DEPARTMENT OF  
EDUCATION; MARISOL ROSALES,  
SUPERINTENDENT OF HIGH SCHOOLS OF  
DISTRICT 2; MANUEL UREÑA, PRINCIPAL OF  
HIGH SCHOOL OF ART AND DESIGN; LYNN  
ROSALES, ASSISTANT PRINCIPAL OF HIGH  
SCHOOL OF ART AND DESIGN; SARI PEREZ,  
ASSISTANT PRINCIPAL OF HIGH SCHOOL OF  
ART AND DESIGN,

Defendants.  
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**NOTICE OF MOTION TO  
DISMISS THE AMENDED  
COMPLAINT**

18 Civ. 6657 (PGG)

**PLEASE TAKE NOTICE** that upon the accompanying Declaration of Assistant Corporation Counsel Samantha P. Turetsky, dated January 11, 2019, and the exhibits annexed thereto, and the Memorandum of Law in Support of Defendants' Motion to Dismiss the Amended Complaint, dated January 11, 2019, and upon all the papers and proceedings previously had herein, Defendants will move this Court at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, 10007, before the Honorable Paul G. Gardephe, United States District Judge, on a date and time to be declared by the Court for an order and judgment, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, a) partially dismissing Plaintiff's claims brought pursuant to 42 U.S.C §11201 as barred by the statute of limitations; b) dismissing Plaintiff's claims brought pursuant to New York State Executive Law § 296 and New York City Administrative Code § 8-107 for failing to file a notice of claim, and in the alternative, as partially time-barred; c) dismissing Plaintiff's 42 U.S.C. § 11201 claims of failure to accommodate, hostile work environment, and retaliation , for failing to state a cause of action; d) dismissing Plaintiff's claims of disability discrimination and

hostile work environment brought pursuant to New York State Executive Law § 296, and New York City Administrative Code § 8-107, for failing to state of cause of action; e) dismissing the First Amendment retaliation claims against the individually-named defendants on the basis of qualified immunity; f) dismissing Plaintiff's Monell claims for failing to state a cause of action; and g) granting defendants such other and further relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that pursuant to the briefing schedule set forth pursuant to Stipulation and Order, ECF Dkt. No. 45, answering papers, if any, must be served on the undersigned no later than February 11, 2019. Reply papers, if any, shall be served by February 25, 2019.

Date: New York, New York  
January 11, 2019

**ZACHARY W. CARTER**  
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City of New York  
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By: /s/  
Samantha P. Turetsky  
Assistant Corporation Counsel

To: Bryan D. Glass (via mail)  
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Docket No. 18 Civ. 6657 (PGG)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MAYA ZABAR,  
Plaintiff,

-against-

NEW YORK CITY DEPARTMENT OF  
EDUCATION, et al.,  
Defendants.

**NOTICE OF MOTION TO DISMISS THE  
AMENDED COMPLAINT, MEMORANDUM OF  
LAW IN SUPPORT, AND DECLARATION IN  
SUPPORT**

***ZACHARY W. CARTER***

*Corporation Counsel of the City of New York*

*Attorney for City Defendants*

*100 Church Street, Room 2-316*

*New York, New York 10007-2601*

*Of Counsel: Samantha P. Turetsky*

*Telephone: (212) 356-2451*

*Matter No.: 2018-057439*

*Due and timely service is hereby admitted.*

*Dated: New York, New*

*York.....2019*

*Signed: .....*

*Attorney for .....*